Court no. 1

Writ Petition No. 595 (M/S) of 2001

Prathu Kumar Tyagi ` …… Petitioner

Versus

Deputy Director of Education and others

…….. Respondents

Hon'ble P.C. Verma, J.

The grievances of the petitioner is that the election of the committee of management, respondent no. 3 was held by the outgoing committee of management after expiry of the statutory period under the scheme of administration, therefore, it is not an election in the eye of law the election ought to have held by the Deputy Registrar or Assistant Registrar of the societies after the expiry of the statutory period or by the the authorized controller. The respondent no. 3 got the election held and got reelected by virtue of its being in office. This raises an election dispute which can effectively be gone into by the prescribed authority under Section 25 of the societies registration Act, I, therefore, direct the Registrar firms and societies to consider the averments made in the writ petition as well as in the supplementary affidavit on production of a certified copy of this order by the petitioner before him and if he satisfies that there is dispute relating to the committee of management with respondent no. 3 he shall refer the matter to the prescribed authority for adjudication of the said dispute.

With the aforesaid observation, the writ petition is disposed of. However it is provided that the registrar firms and societies shall take decision within a week and if the dispute is

refer to the prescribed authority the prescribed authority shall decide the dispute within one month from the date of receipt of reference.

(P.C. Verma, J.)

R.P.Singh

Dt. 23.05.2001